

FILED

18 OCT 25 PM 2:33

CIRCUIT COURT
FOR MULTNOMAH COUNTY

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

18CV48680

In the Matter of the Appointment
of a Custodian for the Law Practice of
LORI E. DEVENY

Case No.

**LIMITED JUDGMENT
APPOINTING CUSTODIAN OF A
LAW PRACTICE**

THIS MATTER came before the court on the *ex parte* petition of the Oregon State Bar to be appointed custodian of the law practice of former Oregon attorney, Lori E. Deveny.

THE COURT FINDS:

1. From September 1989 until May 2018, the affected attorney, Lori E. Deveny ("Deveny"), was a member of the Oregon State Bar, with her office and practice located in Multnomah County, Oregon.

2. On May 24, 2018, Deveny signed a Form B resignation from the Oregon State Bar (the "Resignation"). The Resignation stated that Deveny's files would be delivered to Oregon attorney Jodie Phillips Polich.

3. On July 26, 2018, Chief Justice Walters of the Oregon Supreme Court signed the Order Accepting Resignation From Practice of Law executed by Deveny.

4. From and after the date of the Resignation, Deveny has failed to deliver all client files and client records in her possession to Ms. Phillips Polich as required by the terms of the

1 Resignation.

2 5. Ms. Phillips Polich has advised the Oregon State Bar that she is not willing to
3 accept Deveny's client files and client records.

4 6. At this time, some of Deveny's client files and records are in the possession of the
5 Professional Liability Fund, and some client files and records remain in Deveny's possession.

6 7. Deveny did not make arrangements for the orderly termination of her law
7 practice.

8 8. No partner or other responsible successor to her practice is known to exist.

9 9. This Court has sole jurisdiction under ORS 9.710 to protect the interests of the
10 public, and, in particular, Deveny's clients, by appointing the Oregon State Bar to serve as
11 custodian of Deveny's law practice. Pursuant to ORS 9.730, the Oregon State Bar has engaged
12 the services of the Oregon State Bar Professional Liability Fund to assist with a portion of the
13 duties as custodian.

14 **THE COURT ORDERS AS FOLLOWS:**

15 10. The *ex parte* application for appointment of the Oregon State Bar to take custody
16 over Deveny's law practice is granted.

17 11. No fee or bond is required.

18 12. The Oregon State Bar shall serve a certified copy of this limited judgment on all
19 banks or financial institutions where Deveny maintained either business or operating accounts or
20 a client trust account. Pursuant to ORS 9.725, such service shall immediately operate as a
21 modification of any agreement of deposit between such bank or financial institution and Deveny
22 and any other party to the account so as to make the Oregon State Bar an authorized signer on
23 any professional or trust account maintained by Deveny.

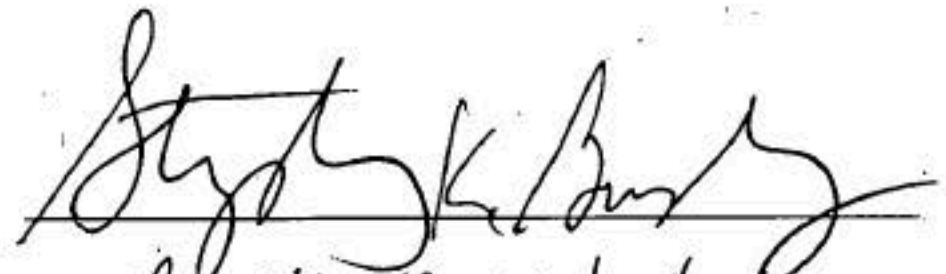
13. Pursuant to ORS 9.720, the Oregon State Bar shall take immediate possession of Deveny's lawyer trust account and all client property, including legal files, electronically stored information and all other data of any type and kind, client trust funds, and any other client property, as well as all books, records, funds, and property used in Deveny's law practice.

14. If necessary, the Oregon State Bar shall determine the ownership of the funds in the lawyer trust account and shall distribute the funds as directed by the interested client. Any funds for which ownership cannot be determined or for whom the owner cannot be located shall be retained by the Oregon State Bar as provided in ORS 98.302 to 98.436.

15. Pursuant to ORS 9.725, the Oregon State Bar, or the Oregon State Bar Professional Liability Fund at the Oregon State Bar's request, shall inventory the files in their possession and shall send letters to Deveny's former clients advising them how they may retrieve their files.

16. The Oregon State Bar Professional Liability Fund shall not, by its actions in this case, become counsel for any of Deveny's clients.

Dated this 25th day of October, 2018.


BUSHONG 10/25/18